



San Diego City Attorney **CASEY GWINN**

MEDIA RELEASE

FOR IMMEDIATE RELEASE: February 16, 2000

CONTACT: Casey Gwinn, City Attorney, (619) 533-5640 or (619) 235-5725

City Attorney Declares Henderson Initiative and Henderson Referendum Improper

San Diego, CA - San Diego City Attorney Casey Gwinn today authorized City Attorney Opinion 2000-1 regarding Bruce Henderson's pending initiative campaign and his more recent referendum campaign. Based on conclusive legal authority, Gwinn found both efforts to be unlawful and improper. The City Attorney and the Padres have sued to have the initiative declared invalid. Superior Court Judge Judith McConnell will hold hearings in that case on Friday, February 18, 2000 at 2:30 PM and Monday, February 28, 2000 at 1:30 PM.

But today's opinion also addresses Henderson's latest maneuver: a new referendum attempting to challenge one of the ordinances passed by the City Council last week related to the ballpark. The City Attorney has concluded that the referendum is improper based on the same legal authority that makes the initiative improper. Voter approved Proposition C was the only legislative act on the ballpark redevelopment project. All other actions by the City Council are administrative acts that are not subject to either an initiative or a referendum.

Significantly, the City Attorney also found that, even if a referendum were permissible, Mr. Henderson failed to comply with the legal requirements for a referendum. By failing to attach all of the Exhibits to the financing ordinance he is attempting to refer, Mr. Henderson has failed to provide the signers of the petition with all information that he is legally required to provide. The San Diego Superior Court already ruled on this exact issue over two years ago and the law cannot be disputed by any reasonable person. "When a private individual takes on the role of the Mayor, Council, City Clerk, and City Attorney with a referendum, the law clearly requires that individual to provide all the information and documents to the public that the governing body had when they made the decision that is being challenged. Mr. Henderson has clearly failed to provide the required information to signers of his referendum," said Gwinn.

Copies of the City Attorney's Opinion are available at the City Attorney's Office, 1200 Third Avenue, Suite 1620, downtown. Copies of the letter informing Mr. Henderson of the invalidity of his current referendum are also available. Please call Jean Emmons at (619) 533-5640 if you have any questions.

Recent City Attorney media releases can be accessed on the San Diego City Attorney's home page located on the Internet at <http://www.sannet.gov/city-attorney>

1200 Third Avenue, Suite 1620, San Diego, California 92101-4178 (619) 236-6220